

February 13, 1976

and determine, ascertain the price that is going to be paid there.

SENATOR KOCH: I think you are misinterpreting that.

SENATOR CAVANAUGH: That is my interpretation and that is why I was somewhat reluctant.

SENATOR KOCH: And I think we should leave it in there until we get a clarification of it.

SENATOR CAVANAUGH: I think we should leave it out until we get a clarification.

SENATOR KOCH: Since you are the author of the bill, I will go along with that but I still think...

SENATOR CAVANAUGH: You can offer that amendment to my amendment, but I think up till now, I would object because I don't understand it. It appears to me that a guy could be benefiting from his public capacity there, which is serving on the Board of Trustees.

SENATOR KOCH: At the time of the planning, Senator Cavanaugh, the trustee is certainly a part of this SID and the developer at the same time. He is probably one and the same.

SENATOR CAVANAUGH: And he should be able to sell land to himself.

SENATOR KOCH: In the city of Omaha, though, approves that SID and approves the housing and the zoning and the park area, itself. It has to be at the very beginning of it, because if not, then you are in great danger of completely eliminating the possibility of a park or a facility of this nature.

SENATOR CAVANAUGH: But my concern, Senator Koch, and I am sure that you would share it is I understand that in the beginning the developer owns all of the land, and if there is going to be parks, he is probably going to have to sell it to the SID. I would like to read this in conjunction with the rest of the section because I do not feel that he should have unrestricted ability to set the purchase price, because what he is doing there is indebting the future owners, future residents, future purchasers to that indebtedness and that purchase price and he is selling himself land. So if you are the developer, you own five acres that you want to sell as a park, you sell it for \$500 an acre and no one can object. You sell it to the SID. Then the future residents have to pay it off. There ought to be some restriction upon you being able to determine the price that you are going to sell that land to yourself for and indebt future purchasers. That is all my concern. I think it should be left out for the moment.

SENATOR KOCH: I have worked with SID's around the community where I live and we have always designated park areas from the very beginning when the plans were adopted.